

**From:** [Bob Costello](#)  
**To:** [Michael Overbay/R6/USEPA/US@EPA](#)  
**Cc:** [Chris Hill \(Regulatory\)](#); [Doug Beak/ADA/USEPA/US@EPA](#); ['Florentino, Gene'](#); [Jeanne Briskin/DC/USEPA/US@EPA](#); [John Satterfield](#); [Stephen Hess/DC/USEPA/US@EPA](#); [Susan Mravik/ADA/USEPA/US@EPA](#)  
**Subject:** RE: Draft Access Agreement  
**Date:** 08/01/2012 03:04 PM

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Steve I will be glad to walk you through the Title Opinion – if you would like. It indicates we own 100% of the leasehold estate for the tract where the study will be conducted

**From:** Michael Overbay [mailto:Overbay.Michael@epamail.epa.gov]  
**Sent:** Wednesday, August 01, 2012 1:59 PM  
**To:** Bob Costello  
**Cc:** Chris Hill (Regulatory); Doug Beak; 'Florentino, Gene'; Jeanne Briskin; John Satterfield; Stephen Hess; Susan Mravik  
**Subject:** RE: Draft Access Agreement

Thank you Bob. I was out of the office yesterday and am just catching up on E-mails. I will check with Steve about his thoughts on this.

Regards,

Mike

Michael Overbay, P.G.  
Regional Ground Water Center Coordinator  
U.S. Environmental Protection Agency - Region 6  
(214)665-6482  
(214)665-2191 (FAX)

**From:** Bob Costello <[bob.costello@chk.com](mailto:bob.costello@chk.com)>  
**To:** Michael Overbay/R6/USEPA/US@EPA, "Chris Hill (Regulatory)" <[chris.hill@chk.com](mailto:chris.hill@chk.com)>, John Satterfield <[john.satterfield@chk.com](mailto:john.satterfield@chk.com)>  
**Cc:** Stephen Hess/DC/USEPA/US@EPA, Susan Mravik/ADA/USEPA/US@EPA, Doug Beak/ADA/USEPA/US@EPA, Jeanne Briskin/DC/USEPA/US@EPA, "Florentino, Gene" <[GFlorentino@ene.com](mailto:GFlorentino@ene.com)>  
**Date:** 07/31/2012 04:52 PM  
**Subject:** RE: Draft Access Agreement

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My apologies for the delay in getting this back – I made only minor edits to address Steve's concern. – The EPA now derives its permission to enter from our agreement with the surface owner, and from our rights under the leasehold estate. I also made sure the intent was to create a covenant running with the land which protects in the event of subsequent owners of the well/location – they will take subject to this agreement.

Also attached for Steve's review are the relevant pages from a 81 page title opinion which covers the entire 640 acre section. The attached pages relate to only the NE/4.

**From:** Michael Overbay [<mailto:Overbay.Michael@epamail.epa.gov>]  
**Sent:** Friday, July 27, 2012 2:41 PM  
**To:** Bob Costello; Chris Hill (Regulatory); John Satterfield  
**Cc:** Stephen Hess; Susan Mravik; Doug Beak; Jeanne Briskin; Florentino, Gene  
**Subject:** Draft Access Agreement

Hi Bob, Chris and John,

As we just discussed, here is the draft access agreement with edits from counsels representing EPA, CHK and E&E.

I had discussed the recent revisions with Chris Hill on Wednesday, July 18th, regarding the changes to the insurance language requirements. I am still waiting on E&E to get cost information so that I can go forward to EPA management to approve the additional insurance costs for liability and well control insurance. Also, based on our discussions today, CHK will make additional revisions to address the issue of allowing EPA continued access to the property should CHK no longer own the mineral interests in the future. Bob Costello will also send Steve Hess information relating to the title opinion he discussed. Since it seems that is something that we may be able to do in just a few days, I will wait to make sure that we are comfortable with our understanding of that issue before pushing forward for final OK. Hopefully, we can this all resolved next week.

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[attachment "draft EPA Chesapeake access agreement July 27 12.docx" deleted by Michael Overbay/R6/USEPA/US] [attachment "Scanned Document.pdf" deleted by Michael Overbay/R6/USEPA/US]

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